

District Judge Franklin D. Burgess

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

IN THE MATTER OF ABDUL RAHMAN  
ALMAGHZAR, INS No. 72-775-104

No. MS 06-5020FDB

ORDER GRANTING  
EMERGENCY EX PARTE  
MOTION TO PROVIDE  
INVOLUNTARY MEDICAL  
TREATMENT

The Department of Homeland Security, Immigration and Customs Enforcement (hereafter “ICE”) has filed an ex parte motion for an order permitting it to pursue involuntary feeding of Abdul Rahman Almaghzar (A 72-775-104), who is currently incarcerated as a civil detainee at the Northwest Detention Center in Tacoma, Washington.

Based on the declaration of Ms. Deanna Gephart, and information submitted by ICE, I find that there is sufficient cause to believe that without the requested medical testing and treatment, Mr. Almaghzar is in danger of irreparable injury, and possible death. Mr. Almaghzar’s current hunger strike poses a serious medical risk to himself.


A review of the applicable law reveals that the ICE has an affirmative statutory and constitutional duty to care for and treat inmates in its custody. This Court has inherent authority



1 to issue an Order requiring the ICE to undertake this affirmative duty, which includes provision  
2 of forced feeding with plastic tubes through the nasal passage. Such treatment should be limited  
3 to that which is medically necessary for Mr. Almaghzar.

4 Therefore, IT IS HEREBY ORDERED that ICE may undertake the medical procedures  
5 and treatment described herein. ICE is directed to provide a copy of this order to Mr.  
6 Almaghzar and his attorney forthwith.

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8 DATED this 1<sup>st</sup> day of September, 2006.

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12 FRANKLIN D. BURGESS  
13 UNITED STATES DISTRICT JUDGE

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15 Presented by:

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17 United States Attorney

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